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ANNUAL REPORT FY 1990

CRIME VICTIMS UNIT

Montana Board of Crime Control

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CRIME VICTIMS UNIT
CRIME CONTROL DIVISION
STATE OF MONTANA
ANNUAL REPORT FY90

FILE INFORMATION

Claims 434

Received on FY89 files	19	
Received on FY90 files		415
Additional contacts FY90		<u>72</u>

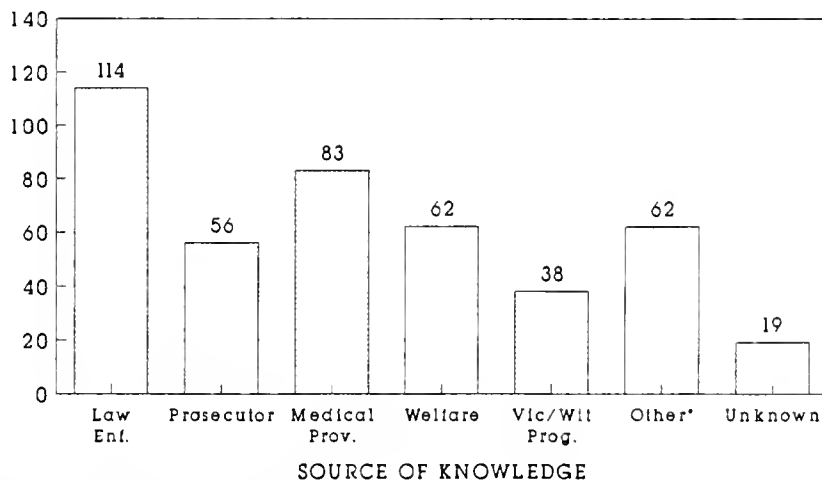
Files created	487
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	<u>AWARDS</u>	<u>DENIED</u>
FY89 claims held over	46	30
FY89 claims received FY90	17+	2
FY90 claims	<u>198*</u>	<u>140</u>
Total	261	172

(+ 1 FY89 claim reduced for contribution, 1 male, 0 female)
(* 9 FY90 claims reduced for contribution, 3 male, 6 female)

Average time from receipt of claim to decision, 357 claims: 56 days
Average time on 76 claims held over: 120 days

VICTIMS SOURCE OF KNOWLEDGE
ABOUT THE PROGRAM
FY90



*Other: Judge 3) Rel/Frnd 26) Atty 10)
Gov ag 7) Fnl home 7) Prob/par 4) News
2) Other 3)

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COMPENSATION PAID FY90

Medical expense	\$226,424.21
Mental Health Counseling	65,478.27
Secondary Victim Counseling	3,009.39
Wage loss	21,144.44
Funeral	22,085.75
Employable but unemployed	4,700.00
Claimant attorney fee	380.99
C.V.U. legal & costs	<u>167.00</u>

Claims cost \$ 343,390.05

<u>ADMINISTRATION</u>	Direct	\$46,808.86
	Indirect	<u>9,305.00</u>
TOTAL		\$56,113.86

Average payment on all open claims (273 claims)	\$1,246.82
Average payment on all secondary claims (15 claims)	200.63
Average administrative cost per file (734 files)	76.44

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CASH BALANCE END OF FY89 \$518,405

INCOME

16.9% of 50% of		
Justice of Peace fines	\$	442,518
Restitution		14,168
Subrogation		8,715
Federal Grant		118,000
Donations		<u>60</u>

TOTAL CASH AVAILABLE \$ 583, 461

EXPENSES

Claims	\$343,390
Administration	<u>56,114</u>
	<u>\$399,504</u>

CASH BALANCE END OF FY90 \$702,362

CONTINGENT LIABILITIES

Reserves for claims to be paid	\$92,052
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FILE INFORMATION

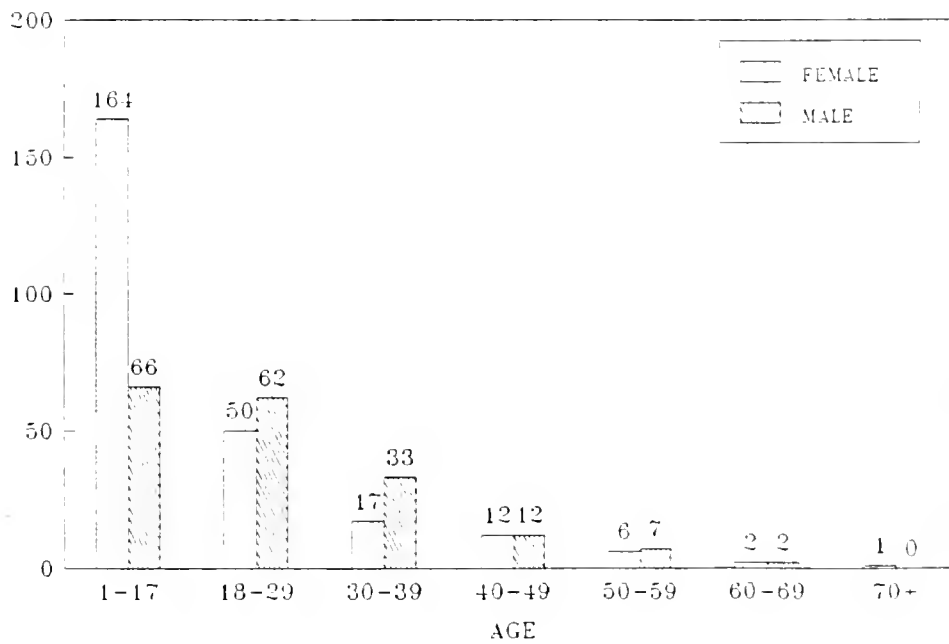
	PRIOR FYS	FY89	FY90	TOTAL
OPEN FILES				
Ongoing payments	<u>7</u>	<u>17</u>	<u>57</u>	<u>81</u>
Pending decision		<u>1</u>	<u>77</u>	<u>78</u>
Pending receipt of claim			<u>62</u>	<u>62</u>
CLOSED FILES				
With payment		<u>36</u>	<u>102</u>	<u>138</u>
With Payment (award prior FY)	<u>3</u>	<u>38</u>		<u>41</u>
Reopen for add payment	<u>42</u>			<u>42</u>
Collateral Source Paid		<u>21</u>	<u>39</u>	<u>60</u>
No claim filed w/in 1 year	<u>2</u>	<u>46</u>	<u>10</u>	<u>58</u>
Did not wish to file		<u>2</u>		<u>2</u>
DENIED				
Non-cooperation		<u>7</u>	<u>24</u>	<u>31</u>
No report to law enforcement		<u>2</u>	<u>3</u>	<u>5</u>
Not reported in 72 hours		<u>6</u>	<u>20</u>	<u>26</u>
Live with/relative of offender			<u>4</u>	<u>4</u>
100% contribution			<u>8</u>	<u>8</u>
No preponderance of evidence				
victim qualifies		<u>5</u>	<u>40</u>	<u>45</u>
Traffic			<u>3</u>	<u>3</u>
Claim filed after 1 year		<u>1</u>	<u>17</u>	<u>18</u>
Crime occurred out of state			<u>2</u>	<u>2</u>
Claimant not a victim			<u>2</u>	<u>2</u>
No response from claimant		<u>11</u>	<u>17</u>	<u>28</u>
Total denied		32	140	172
<u>TOTAL DISPOSITIONS</u>				<u>734</u>

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VICTIM

		Average Age	Youngest- Oldest
Female	252	16	2 - 79
Male	<u>182</u>	22	1 - 64
TOTAL	434		

VICTIMS BY AGE
FY90



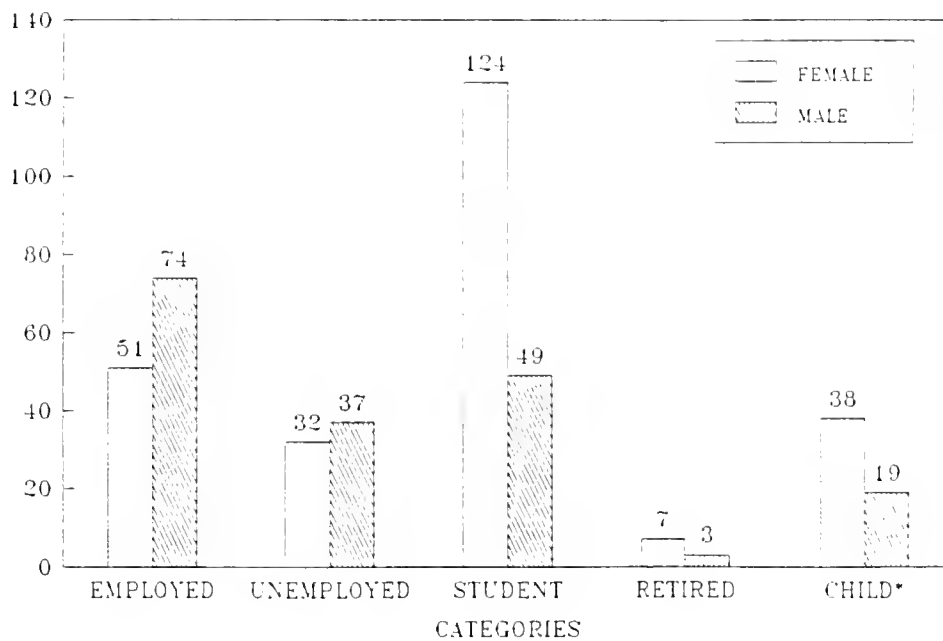
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EMPLOYMENT STATUS

	<u>Female</u>	<u>Male</u>	<u>Total</u>
Employed	51	74	125
Unemployed	32	37	69
Student	124	49	173
Retired	7	3	10
Child *	<u>38</u>	<u>19</u>	<u>57</u>
Total	252	182	434

* Age 5 and under

EMPLOYMENT STATUS
FY90



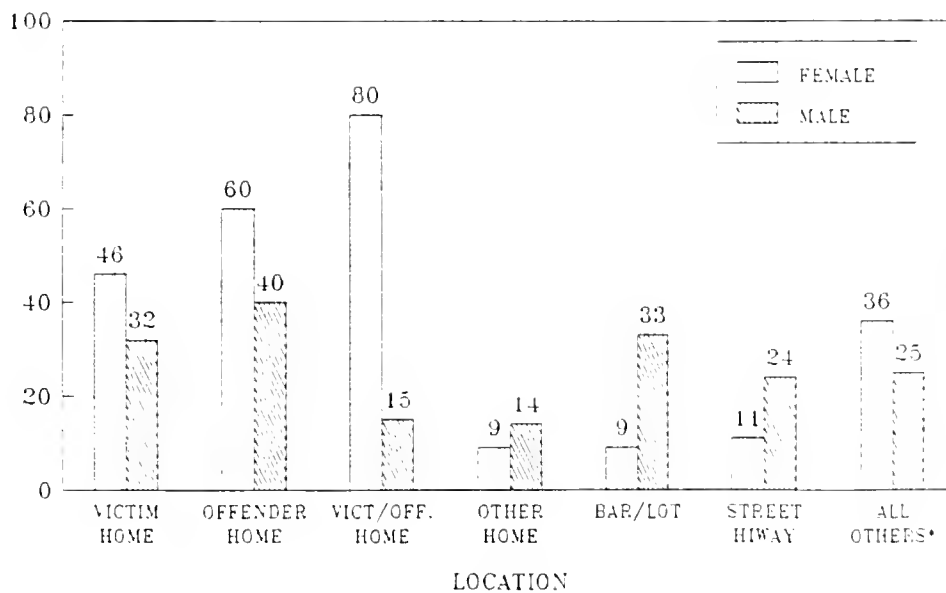
*Age 5 and under

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LOCATION OF CRIME

	Female	Male	Total
Victim's home	46	32	78
Offender's home	60	40	100
Victim & Offender's home	80	15	95
Other home	9	14	23
Victim work	4	5	9
Offender's work	1	-	1
Street/alley/lot	10	23	33
Highway	1	1	2
Public business	3	5	8
Field/park	22	9	31
Bar/lot	9	33	42
School	2	4	6
Out of State	3	-	3
Other	2	1	3

LOCATION OF CRIME
FY90



*ALL OTHERS; Vic work 9) Off work 1) Pub
bus 8) field/park 31) school 6) Out of
state 3) other 3)

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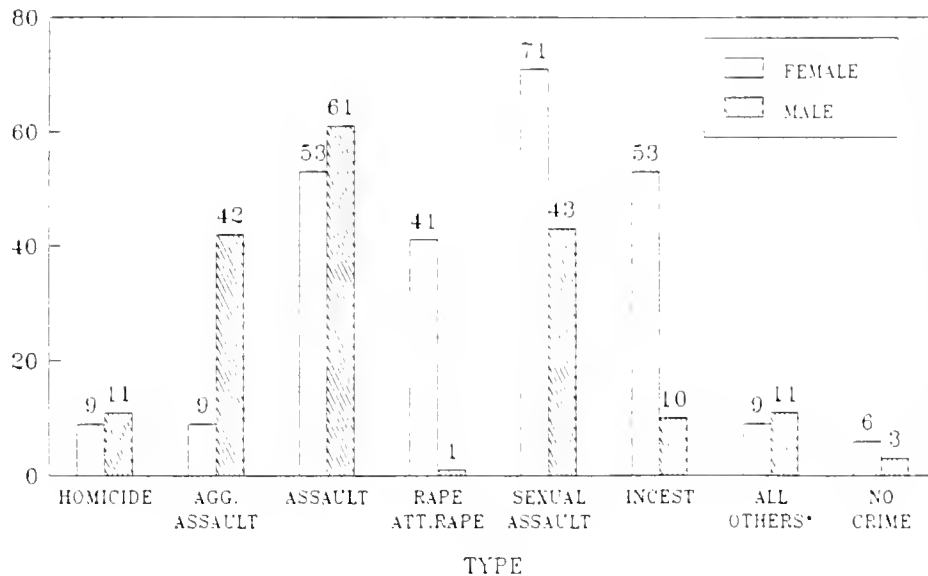
TYPE OF CRIME

	Female	Male	Total
Homicide	9	11	20
Attempted Homicide	2	3	5
Aggravated Assault	9	42	51
Assault +	53	61	114
Rape	41	1	42
Sexual Assault	71	43	114
Incest	53	10	63
Strong Arm Robbery	2	4	6
Child Abuse		1	1
All Others *	12	6	18
Total	252	182	434

*Kidnap	1	1
Traffic	1	2
No Crime	6	3
Attempted Rape	1	
Statutory Rape	3	

+18 Claims involved domestic abuse

TYPE OF CRIME
FY90



*ALL OTHERS. Att Hom 5) Strg Arm Rob 6)
Kidnap 2) Traffic 3) Child abuse 1) Stat
rape 3)

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SECONDARY VICTIMS

Effective October 1, 1987, benefits for mental health counseling for certain family members of a homicide victim or a sexually abused minor may be paid. The mental health benefit is limited to \$500.00 per person; \$1,500.00 per family and must be required because of the crime committed against the primary victim.

Number of incidents giving to a secondary claim. 35
Number of claims from all incidents. 56
Types of Crime:

	<u>Female</u>	<u>Male</u>	<u>Total</u>
Homicide	1	-	1
Rape	3	4	7
Sexual Assault	22	8	30
Incest	<u>13</u>	<u>5</u>	<u>18</u>
TOTAL	39	17	56

AGE OF SECONDARY VICTIMS

	<u>0-17</u>	<u>18-29</u>	<u>30</u>	<u>40</u>	<u>Total</u>
Female	2	13	23	1	39
Male	7	2	7	1	17

FILE INFORMATION

	<u>Awards</u>	<u>Denied</u>
Female	18*	19+
Male	<u>9</u>	<u>6</u>
	27	25

* 1 FY89 Claims, 17 FY90 Claims
+ 2 FY89 Claims, 17 FY90 Claims

Pending a decision: 7

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COMPARISON REPORT

	FY89	FY90	+/-
Total claims filed			
primary	346	434	+88
secondary	25	56	+31
No claim filed	43	58	+15
Pending decision	77	77	--
Awarded	201	261	+60
Denied	114	172	+58
Total dispositions	610	734	+124
Claims			
males	173	182	+9
females	173	252	+79
Age of Victims			
18 & over			
males	111	116	+5
females	63	88	+25
Under 18			
males	62	66	+4
females	110	164	+54
Location of Crime			
victim's home	55	78	+23
offender home	81	100	+19
home of both	66	95	+29
bar/lot	36	42	+6
Type of crime			
homicide	21	20	-1
aggravated assault	53	51	-2
rape	29	42	+13
sexual assault	88	114	+26
incest	59	63	+4
Payments			
primary claims	\$288,640	\$340,381	+\$51,741
secondary claims	\$ 1,959	\$ 3,009	+\$ 1,050
Total	\$290,599	\$343,390	+\$52,791
Average payments			
per claim	\$ 1,200	\$ 1,246	+\$46
administrative cost	\$ 77.39	\$ 76.44	-\$.95

CRIME VICTIMS UNIT
Sample of Claims and Decisions for FY90
Page 11

Benefits Awarded - Funeral Expense \$2,000.00

The victim, a male age 64, was working when the offender pulled a pistol and began shooting at everyone in the business. The victim was fatally shot. The offender refused to surrender to police and was fatally shot at the scene. Benefits were awarded for funeral expense. Wage loss to the widow was paid by workers' compensation.

Benefits Awarded - Medical Expense \$668.75

The victim, a male age 23, was at home. His roommate had some friends over. The victim was leaving when one of the visitors came out to the victim's vehicle. The offender accused the victim of messing around with his girlfriend, then hit the victim in the face. The offender was charged.

Benefits Awarded - Medical Expense \$1,221.15 & Wage Loss \$238.94

The victim, a male age 47, was having a drink at a bar. The offender asked the victim to jump start his car. The victim went out and was ready to jump start the offender's car. The offender struck the victim from behind with the end of a pool cue 7 or 8 times. The offender took the victim's wallet. The offender was arrested when he crashed his car as he was fleeing.

Benefits Awarded - Medical Expense \$82.54

The victim, a female age 62, was walking home when a male juvenile pushed her down and stole her purse. Insurance paid part of the charges. The offender was charged and ordered to pay restitution. The offender began making small payments four months after payments had been made by the Crime Victims Fund.

Benefits Awarded - Medical Expense \$260.58

The victim, a female age 40, was at a friend's house. The offender and a friend came over to start a fight with someone else. The claimant was sitting in a chair when the offender came over and told the claimant she did not like her. The offender then began hitting the claimant until she was pulled away by the claimant's friend. The offender was ordered to pay restitution. She began making small payments about two weeks after the Crime Victims Fund had paid the charges.

Benefits Awarded - Medical Expense \$274.70

The victim, a male age 15, was walking with a group to get lunch. The offender, a 15 year old male, challenged the victim to fight. The victim declined. The offender hit the victim in the mouth while the victim had his hands in his pockets.

CRIME VICTIMS UNIT
Sample of Claims and Decisions for FY90
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Benefits Awarded - Funeral Expense \$1,755.00

The victim, a female age 19, had marital problems and had left her husband, the offender. A family member talked the victim into returning to her husband. Her husband shot her and then shot himself. The claim for funeral expense was filed by the victim's sister.

Benefits Awarded - Medical Expense \$190.60

The victim, a female age 37, saw someone in the alley. She went to see who it was. She found her ex-boyfriend in her back yard. There had been an argument a week before over property the offender had left with the claimant. The offender said he was back to get more of his property. There was a disagreement about how much property he had. The offender grabbed the claimant and shoved her down. The offender received a six month deferred prosecution.

Benefits Awarded - Medical Expense \$4,261.25

The victim, a male age 34, was asleep at his home. The offender broke into the claimant's home and hit the claimant while he was in bed. The offender then got a knife from the kitchen and slashed the claimant across the nose. The offender was charged. The claimant had no insurance.

Benefits Awarded - Medical Expense \$3,836.29

The victim, a male age 34, was asked to give a female a ride home. When he got to her house, her ex-boyfriend was at her residence. The offender came up behind the claimant and attacked him. The offender pled guilty and was ordered to make restitution but has not done so yet.

Benefits Awarded - Medical Expense \$0

The victim, a male age 5, had been sexually molested by a 20 year old male. The offender was charged. Medicaid paid the expenses.

Benefits Awarded - Medical Expense \$304.80

The victim, a male age 41, was in a motel room with a female. Her husband, the offender, had been following the two. The offender broke into the room and fired several shots, one of which struck the claimant. The offender had made threats to shoot the claimant about a week prior. The female had filed for divorce but was still living with the offender. Insurance paid most of the expenses. The offender was charged.

CRIME VICTIMS UNIT
Sample of Claims and Decisions for FY90
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Benefits Awarded - Medical Expense \$2,336.80

The victim, a female age 5, was sexually molested by the 17 year old son of her mother's live in boyfriend. The offender was charged with sexual assault. Benefits were paid for mental health counseling.

Benefits Denied - Crime did not occur in this State

The victim, a female age 7, was sexually molested by her mother's boyfriend when she lived with her mother in another state. Benefits were denied and a referral made to the other state's program.

Benefits Denied - Injuries were a result of a traffic accident.

The victim, a female age 20, was crossing the street. The offender passed a car in front of him and struck the claimant. Benefits were denied since the offender was not committing a Title 45 crime with the mental state of purposely, that is the offender did not want to injure or kill the victim. The offender was charged with several traffic violations.

Benefits Denied - Claim was not filed within one year.

The victim, a male age 20, had complained about the offender's poor work to the offender and the foreman. The offender made threats to beat the victim up. The victim was going home after work. He usually car pooled with the offender but the offender was not at the car. The victim saw the offender down the road so he stopped. The offender struck him. The victim filed his claim more than a year later. His reasons for not filing within the one year limit were that the offender was supposed to pay the expenses and did not and he did not know about the program. Benefits were denied since neither reason was good cause to extend the one year limit on filing a claim.

Benefits Denied - The claimant and offender were residing together, the claimant is the spouse of the offender and there was no interest of justice to award benefits.

The victim, a female age 56, claimed her husband, the offender, was intoxicated and became violent with her during a family gathering. Further investigation revealed that there had been a long history of violent episodes between the two. During the incident in question, the claimant had called the offender names. The claimant indicated that she planned on residing with the offender just as soon as he completed alcohol treatment.

CRIME VICTIMS UNIT
Sample of Claims and Decisions for FY90
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Benefits Denied - The crime was not reported to law enforcement within 72 hours, the claim was not filed within one year and the claimant did not fully cooperate with law enforcement and prosecuting attorneys.

The victim, a male age 11 when the claim was filed, was sexually molested by his step-grandfather. The mother, the claimant, knew about the molestations in December, 1986 but no report was made to law enforcement until January, 1988 and the claim was not filed until September, 1989. The claimant stated she did not report to law enforcement because she had not self esteem and had to trust her husband's judgment. She did not file a claim because she did not know it had to be filed and she wanted time to think it over before filing. In addition, no prosecution was ever done since the family wanted to handle it themselves.

Benefits Denied - There was no preponderance of evidence that criminally injurious conduct had occurred and the claimant had contributed 100% to his own injuries.

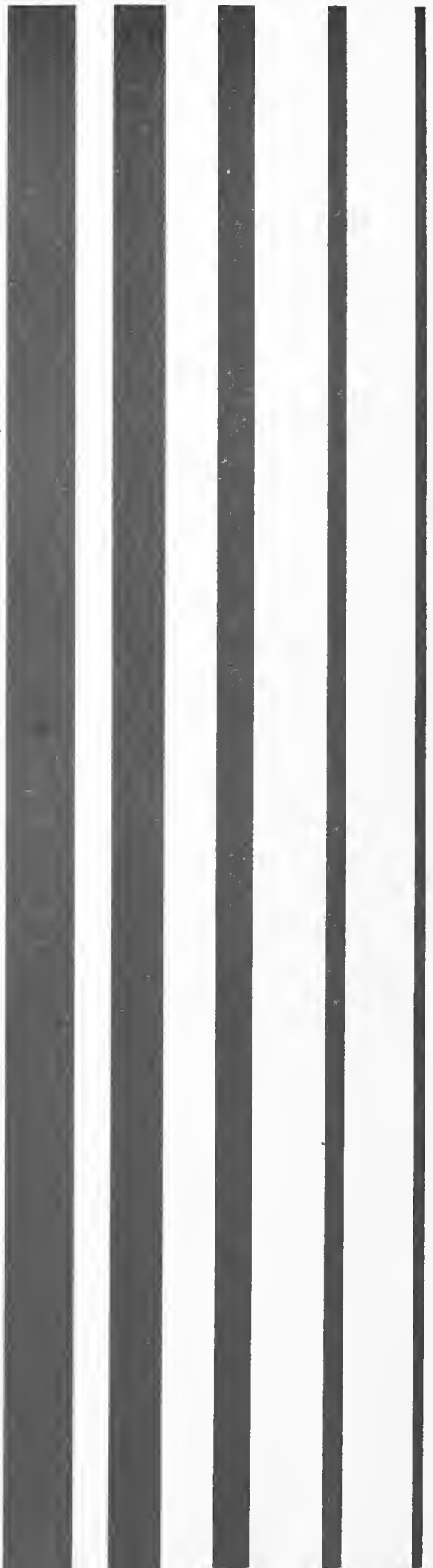
The victim, a male age 31, claimed his neighbor came upstairs to complain and then sucker punched him, causing him to fall on the stairs. He received head injuries and a broken clavicle. The neighbor was charged with assault but the charges were later dismissed. Further investigation revealed that the claimant had urinated on the apartment steps. The neighbor went up to talk to the claimant about it. The claimant was extremely intoxicated. The claimant began making threats against the neighbors step-daughter and raised his hand as though to hit the step-daughter. The neighbor struck the claimant once. The claimant fell and was injured. The claimant appealed the denial. An informal hearing by telephone conference call was held. The claimant could not be reached for the informal hearing. Witnesses gave evidence. The denial was upheld.

Benefits Denied - There was no preponderance of evidence that criminally injurious conduct had occurred or that the victim was a victim.

The victim, a male age 7, was sexually molesting his sister. He stated he had learned how to do that from two other boys who were also molesting his sister. He denied that anyone had sexually molested him. Benefits were denied since no acts were committed against the victim. Payment could not be made for the sexual acts he was committing.

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